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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,249	11/19/2001	Ralph A. Spooner	DON01 P-939	8435
28101	7590	01/16/2004	EXAMINER	
VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E. P.O. BOX 888695 GRAND RAPIDS, MI 49588-8695			SHAHER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,249

Applicant(s)

SPOONER ET AL.

Examiner

Ricky D. Shafer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-57 is/are pending in the application.
- 4a) Of the above claim(s) 57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

FILED ON 11/19/03 & 03/22/02.

DETAILED ACTION

1. Applicant's election of species "B" in the communication filed on December 15, 2003 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claim 57 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the communication filed on December 15, 2003.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 48 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Schofield et al ('742).

Schofield et al discloses a mirror mount assembly adapted for mounting to an interior surface of a windshield of a vehicle and for pivotally mounting an interior rearview mirror assembly thereto, comprising a mounting base (92,152) for mounting at the interior surface of the windshield, said mounting base including a ball member for pivotal connection to the mirror assembly (not shown); an accessory housing (120,132,182) extending generally downwardly from said mounting base; and at least one accessory (124,140,186) positionable within said accessory housing. Note Figures 15-21 along with the associated description thereof.

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5. Claims 48-52, 54 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Blank et al ('687).

Blank et al discloses a mirror mount assembly adapted for mounting to an interior surface of a windshield of a vehicle and for pivotally mounting an interior rearview mirror assembly thereto, comprising a mounting base (44,80,112,280) for mounting at the interior surface of the windshield, said mounting base including a ball member (92,270,290) for pivotal connection to the mirror assembly (40,40'240); an accessory housing (26,26',60,116,260) extending generally downwardly from said mounting base; and at least one accessory (154,254) positionable within said accessory housing. Note Figures 2-16 along with the associated description thereof.

6. Claims 48 -53 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Bos et al ('996).

Bos et al discloses a mirror mount assembly adapted for mounting to an interior surface of a windshield of a vehicle and for pivotally mounting an interior rearview mirror assembly thereto, comprising a mounting base (84,198) for mounting at the interior surface of the windshield, said mounting base including a ball member (80,212) for pivotal connection to the mirror assembly (10,182); an accessory housing (12,84,188) extending generally downwardly from said mounting base; and at least one accessory (90,190) having a lens (100) positionable within said accessory housing. Note Figures 1-7 and 14-16 along with the associated description thereof.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bos et al ('996).

Bos et al discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the illumination source includes a plurality of light emitting diodes.

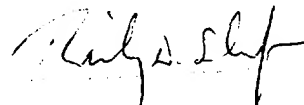
It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify any one of the accessory housings (12, 84 or 188) of Bos et al to include a plurality of light emitting diodes in order to selectively illuminate different areas of interest or to enhance the intensity of a particular area of interest (see column 2, lines 43 to 48 and column 10, lines 21 to 27, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. Note *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: element 26d, shown in Fig.7 and element 30, shown in Fig.3, each lack a proper written description. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

10. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number 703 308-4813.

RDS

January 11, 2004



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